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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,647	11/17/1998	ROBERT E. USNER	D1077+11	2284

28995 7590 04/10/2002

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EXAMINER

ELISCA, PIERRE E

ART UNIT PAPER NUMBER

2161

DATE MAILED: 04/10/2002

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 16

Application Number: 09/193,647
Filing Date: November 17, 1998
Appellant(s): Usner et al.

Ralph E. Jocke
For Appellant

EXAMINER'S ANSWER

Art Unit: 2161

This is in response to appellant's brief on appeal filed 01/22/2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The amendment after final rejection filed on 11/13/2001 has not been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-19 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

Bank Network News (Bank Net) Internet Technology Pushes New services to ATM
4/1997.

5,933,816 Zeanah 08/1999

5,473,143 Vak et al. 12/1995

(10) GROUNDS OF REJECTION

Claims 1-5, 7-8, and 11-13 rejected under 35 U.S.C. 102 (a). This rejection is set forth in prior Office Action, Paper No. 7.

Claims 6, 9, and 14-15 rejected under 35 U.S.C. 103 (a). This rejection is set forth in prior Office Action, paper No. 7.

Claim 10 rejected under 35 U.S.C. 103 (a) . This rejection is set forth in prior Office Action, Paper No. 7.

Claims 16-19 rejected under 35 U.S.C. 103 (a). This rejection is set forth in prior Office Action, Paper No. 10.

(11) RESPONSE TO ARGUMENT

In response to claims 1-5, Applicant argues that the anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. Inherency may not be established based on probabilities or possibilities. Examiner rejection mailed on 3/14/2001, page 3 was not based on probabilities nor possibilities . In the office action mailed on 3/14/2001, Examiner stated that it is inherent to know

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that in order for the tickets to be printed out at ATM, a server and HTML document is inherently required in order to interact via the Internet at the ATM. Therefore, it is necessarily present in the reference.

In response to claims 6, 9, 14, and 15 Applicant argues that the prior art of record does teach or suggest: "the terminal including the browser is operative to access the HTML documents which includes indicia corresponding to status of a transaction function device". However, the Examiner respectfully disagrees with the Applicant's representative findings because this limitation is disclosed by BankNet in the Office action mailed on 3/14/2001, page 7 under Official notice. In the office action mailed on 3/14/2001, the Examiner has stated that this limitation has been disclosed by Bank Network News in page 1, paragraph 3, page 2, paragraph 1, and further stated that, the limitation is met because a transaction function device is inherently required in order for the tickets to be printed out at ATM, a server and HTML document is inherently required in order to interact via the Internet at the ATM. Since Web pages typically defined using HyperText Markup Language, and it is used to display Web page, and therefore, it is also inherent to realize that in order for the Web ATM of Bank Network News to communicate over the Internet a HTML is needed.

In response to claim 10, Applicant argues that the prior art of record does not teach or suggest "accessing an HTML document which includes instructions corresponding to the status of a transaction". However, the Examiner respectfully disagrees as this limitation is disclosed by Zeanah in col 6, lines 1-10, and furthermore, Bank Network News discloses WEB ATM for

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linking to a host computer through Intranet. Please note that Web pages are typically defined using HyperText Markup Language, and it is used to display a Web page.

In response to claims 16-19, Applicant argues that the prior art of record (Vak) does not teach or suggest “ an ATM that is operative, responsive to the occurrence of a malfunction of a transaction function device...”. However, the Examiner respectfully disagrees with the Applicant’s representative because this limitation is disclosed by Vak in the abstract, specifically wherein it is stated that an ATM or POS system having a terminal and processor which are connected to an ATM or POS data communications network. The network also includes a store and forward message switch which stores user messages for remote retrieval and use as an Furthermore, as specified by the Examiner in the Office Action mailed on 08/14/2001, page 4, specifically wherein it is stated that Vak does not explicitly disclose a HTTP record representative of the malfunction. Therefore, the Examiner hereby takes Official Notice that exchanging information using HTTP is old and well-known in the communication art. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the ATM of Vak by including a HTTP because such modification would have been to view a specific in the Internet or network, such as when a client computer system specifies the URL for that Web page in a request (i.e HTTP).

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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Pierre Eddy Elisca

April 01, 2002

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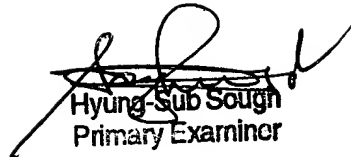
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